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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,778

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Daniele Paolo David Piponi

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CONNOLLY BOVE LODGE & HUTZ LLP

P.O. BOX 2207

WILMINGTON, DE 19899

EXAMINER

LUU, CUONG V

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/715,778

Applicant(s)

DAVID PIPONI ET AL.

Examiner

Cuong V. Luu

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-20 are pending. Claim 20 has been added. Claims 1-20 have been examined. Claims 1-20 have been rejected.

### *Response to Arguments*

1. Applicant's arguments filed 11/6/2007 regarding claims 1 and 11 on pages 6-8 have been fully considered but they are not persuasive. The Applicant argues that Kunii fails to disclose or suggest:
  - Accessing force data  $G(t)$ , wherein  $G(t)$  comprises external force values for simulating a response of the articulated figure. The Examiner respectfully disagrees. On col. 8 lines 63-65, Kunii teaches modifying motion based on the acceleration due to gravity. Gravity is an external force. This teaching reads onto accessing force data  $G(t)$ , wherein  $G(t)$  comprises external force values for simulating a response of the articulated figure.
  - Providing a sum of  $F(t)$  and  $G(t)$  suitable for input in simulating a dynamic response of the articulated figure using a forward-dynamics motion simulation to determine a simulated pose sequence  $P(t)$ . The Examiner respectfully disagrees. As discussed above, external force, gravity, is used as an input together with calculated torque (col. 7 lines 61-67, col. 8 lines 1-2 and 55-62) in determining motion of an articulated figure. Therefore, it reads onto the limitation "a sum of  $F(t)$  and  $G(t)$  suitable for input in simulating a dynamic response of the articulated figure using a forward-dynamics motion simulation to determine a simulated pose sequence  $P(t)$ ".
  - The Applicant also argues that Kunii is primarily concerned with motion analysis and skill training. Col. 5:2-4; 23-25. In contrast, the present application is concerned with the different problem of animation production for entertainment purposes. Spec., p. 4:14-16.

While making use of some of the same tools of dynamics and modeling as the present application, Kunii discloses a different process than claimed. The Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claims 1 and 11, therefore, remain rejected.

2. Applicant's arguments filed 11/6/2007 regarding claims 8 and 18 on pages 8-9 have been fully considered but they are not persuasive. The Applicant argues that Kunii does not teach calculating  $G(t)$  using  $P(t)$  as input to determine collision events between the articulated figure and other simulated objects, whereby impulse values for  $G(t)$  are determined. The Examiner respectfully disagrees. On col. 7 lines 50-67, col. 8 lines 1-2 and figure 5, Kunii teaches two people performing skill in Shorinji Kempo. A person on the right MR exerted an external force FR on a person on the left ML with motions resulted from this demonstration. Then forces and torques are calculated based on these motions. These teachings indicate that external force FR to be calculated from the motions for calculating other forces and torques. Therefore, Kunii does teach calculating  $G(t)$  using  $P(t)$  as input to determine collision events between the articulated figure and other simulated objects, whereby impulse values for  $G(t)$  are determined. Claims 8 and 18, therefore, remain rejected.
3. Applicant's arguments filed 11/6/2007 regarding claims 9 and 20 on page 9 have been fully considered but they are not persuasive. The Applicant argues that Kunii fails to disclose or suggest performing the calculation of  $F(t)$  and simulation of motion concurrently. The Examiner respectfully disagrees. In col. 11 lines 10-15, Kunii teaches performing the

analysis and producing new motions based on the analytic results dynamically, and this teaching reads onto this limitation. Claims 9 and 20, therefore, remain rejected.

4. As per claims 2 and 12, the Applicant, see page 10, requests that a reference be provided showing the claimed feature or this rejection be withdrawn. In rebuttal of the Examiner's stating that it would have been obvious to one of ordinary skill in the art to develop software to be able to set  $\Delta t$  equal to a user-determinable value, prior to the calculating step, the Applicant fails to show why the Examiner is wrong, so the Examiner may not have to respond to this argument. However, the Examiner decides to produce a reference in which user is able to set time step in simulation of a articulated body, and this feature is shown in paper titled Simulating Virtual Humans by Luciana Porcher Nedel, LP NEDEL - XI Brazilian Symposium on Computer Graphics (SIBGRAPI'98), 1998. On pages 56-57 Nedel teaches specifying time step for the simulation defined in a file (Fig. M2.21) software mms to run simulation. Claims 2 and 12, therefore, remain rejected.
5. As per claim 7 and 17, the Applicant argues, see page 10, that there has been no showing that any reference discloses the claimed feature "scaling  $F(t)$  by  $s$ , wherein  $s$  comprises a time- dependent function." Instead, in paragraph 16 of the Office Action, it is merely argued that it would have been obvious to do so. However, demonstrating obviousness under 35 U.S.C. § 103(a) requires that the prior art references teach or suggest all the claim limitations. In col. 8 lines 35-62, Kunii teaches modifying or changing speed of the motions and forces causing the motions from the basis motions from the database to produce new motions. The new motions can be complex with varying speed and forces over time, and this would result] in scaling of the  $F(t)$  derived from the basis motions with time varying curve

s. Therefore, it would have been obvious to one of ordinary skill in the art to develop software with capability to scale torque  $F(t)$  by  $s$ , wherein  $s$  comprises a time-dependent function. Scaling torque  $F(t)$  by  $s$ , wherein  $s$  comprises a time-dependent function would have helped design new motion with time-dependent and time-variant torque.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-6, 8-11, 13-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunii et al (U.S. Patent 5,625,577).**

1. As per claim 1, Kunii teaches a method for determining movements of an articulated figure for use in computer-generated animation, the method comprising:

accessing a pose sequence  $Q(t)$ , wherein  $Q(t)$  comprises position values associated with segments of an articulated figure at sequential times of the pose sequence (col. 7 lines 13-19);

calculating an inverse-dynamics solution  $F(t)$ , wherein  $F(t)$  comprises calculated torque values for the segments during sequential forward-looking intervals  $\Delta t$ , such as would result in movements of the articulated figure corresponding to  $Q(t)$  (col. 7 lines 23-27);

accessing force data  $G(t)$ , wherein  $G(t)$  comprises external force values for simulating a response of the articulated figure (col. 5 lines 63-65); and

simulating a dynamic response of the articulated figure in reaction to a sum of  $F(t)$  and  $G(t)$ , thereby defining a simulated pose sequence  $P(t)$  (col. 9 lines 3-7, col. 7 lines 61-67, col. 8 lines 1-2 and 55-65); and

providing the simulated pose sequence  $P(t)$  to a computer for use in animating an articulated figure (col. 10 lines 62-67).

2. As per claim 3, Kunii teaches scaling  $F(t)$  by a scale factor  $s$ , whereby the simulating step defines  $P(t)$  by a simulated dynamic response of the articulated figure in reaction to a sum of  $F(t)$  scaled by  $s$  and  $G(t)$  (col. 4 lines 4-13 and col. 8 lines 45-62. In these lines Kunii teaches applied force or torque  $Q_i$  and modifying or scaling up or down forces exerted on the body. These teachings suggest the ability of the scaling of  $F(t)$  by a factor  $s$  since force and torque exerted on a body are interchangeable in these teachings).
3. As per claim 4, Kunii teaches receiving user input defining a value of  $s$ , prior to the scaling step (col. 8 lines 45-62).
4. As per claim 5, Kunii teaches scaling  $F(t)$  by  $s$ , wherein  $s$  is less than one (col. 8 lines 57-60. Scaling down is equivalent to a scaling factor less than one).
5. As per claim 6, Kunii teaches the scaling step further comprises scaling  $F(t)$  by  $s$ , wherein  $s$  is greater than one (col. 8 lines 57-60. Scaling up is equivalent to a scaling factor greater than one).

1. As per claim 8, Kunii teaches calculating  $G(t)$  using  $P(t)$  as input to determine collision events between the articulated figure and other simulated objects, whereby impulse values for  $G(t)$  are determined (col. 7 lines 50-67, col. 8 lines 1-2 and figure 5).
6. As per claim 9, Kunii teaches the calculating step and the simulating step are performed concurrently (col. 11 lines 10-15).
7. As per claim 10, Kunii teaches the simulating step is performed after the calculating step has completed by defining  $F(t)$  over an animation sequence (col. 8 lines 39-62. These lines teach defining force/torque before the step of simulating motion)
8. As per claim 11, Kunii teaches a computer-readable media encoded with instructions for determining movements of an articulated figure for use in computer-generated animation, the instructions (Kunii's teaching of using a computer to perform these steps below, which have already been discussed in claim 1, inherits a computer-readable media encoded with instructions, is used) comprising:
  - accessing a pose sequence  $Q(t)$ , wherein  $Q(t)$  comprises position values associated with segments of an articulated figure at sequential times of the pose sequence;
  - calculating an inverse-dynamics solution  $F(t)$ , wherein  $F(t)$  comprises calculated torque values for the segments during sequential forward-looking intervals  $\Delta t$ , such as would result in movements of the articulated figure corresponding to  $Q(t)$ ;
  - accessing force data  $G(t)$ , wherein  $G(t)$  comprises external force values for simulating a response of the articulated figure; and



providing a sum of  $F(t)$  and  $G(t)$  suitable for input in simulating a dynamic response of the articulated figure using a forward-dynamics motion simulation to determine a simulated pose sequence  $P(t)$ .

9. As per claim 13, these limitations have already been discussed in claim 3. They are, therefore, rejected for the same reasons.
10. As per claim 14, these limitations have already been discussed in claim 4. They are, therefore, rejected for the same reasons.
11. As per claim 15, these limitations have already been discussed in claim 5. They are, therefore, rejected for the same reasons.
2. As per claim 16, these limitations have already been discussed in claim 6. They are, therefore, rejected for the same reasons.
12. As per claim 18, these limitations have already been discussed in claim 8. They are, therefore, rejected for the same reasons.
13. As per claim 19, these limitations have already been discussed in claim 10. They are, therefore, rejected for the same reasons.
14. As per claim 20, these limitations have already been discussed in claim 9. They are, therefore, rejected for the same reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 2, 7, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii.**

15. As per claim 2, Kunii does not teach setting  $\Delta t$  equal to a user-determinable value, prior to the calculating step. However, it would have been obvious to one of ordinary skill in the art to develop software to be able to set  $\Delta t$  equal to a user-determinable value, prior to the calculating step. The capability to set  $\Delta t$  equal to a user-determinable value would have

allowed user to simulate only motion of the interested time interval at a user-defined time resolution.

16. As per claim 7, Kunii teaches scaling of torque as discussed in claim 3. It would have been obvious to one of ordinary skill in the art to develop software with capability to scale torque  $F(t)$  by  $s$ , wherein  $s$  comprises a time-dependent function. Scaling torque  $F(t)$  by  $s$ , wherein  $s$  comprises a time-dependent function would have helped design new motion with time-dependent and time-variant torque.

17. As per claim 12, these limitations have already been discussed in claim 2. They are, therefore, rejected for the same reasons.

18. As per claim 17, these limitations have already been discussed in claim 7. They are, therefore, rejected for the same reasons.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong V. Luu whose telephone number is 571-272-8572. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah, can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. An inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CVL



KAMINI SHAH  
SUPERVISORY PATENT EXAMINER